

Filed: January 31, 2006  
Staff: Trever Parker  
Staff Report: March 6, 2006  
Hearing Date: March 22, 2006  
Commission Action:

STAFF REPORT: CITY OF TRINIDAD

APPLICATION NO: 2006-02

APPLICANT (S): Leslie Davies, Kathleen Lake

AGENT: NA

PROJECT LOCATION: 435 Ocean Ave.

PROJECT DESCRIPTION: Design Review and Coastal development Permit to construct a single-story addition of 536 s.f. on an existing, single-story, 1,218 s.f., 2-bdrm residence.

ASSESSOR'S PARCEL NUMBER: 042-062-23

ZONING: UR – Urban Residential

GENERAL PLAN DESIGNATION: UR – Urban Residential

ENVIRONMENTAL REVIEW: Categorically Exempt from CEQA per § 15301 of the CEQA Guidelines exempting alterations and additions to existing structures.

APPEAL STATUS:

Planning Commission action on a coastal development permit, a variance or a conditional use permit, and Design Assistance Committee approval of a design review application will become final 10 working days after the date that the Coastal Commission receives a "Notice of Action Taken" from the City unless an appeal to the City Council is filed in the office of the City Clerk at that time. Furthermore, this project \_\_\_\_ is / **X** **is not** appealable to the Coastal Commission per the requirements of Section 30603 of the Coastal Act.

## SITE CHARACTERISTICS:

The property is located on the east side of Ocean Avenue, north of East Street. The site is bordered by other residential development on all sides. The approximately 8,360 s.f. lot is currently developed with a 1,218 s.f. single-story residence and 856 s.f. garage. Access to the parking areas is from the alley to the east; the lot frontage is on Ocean. The property slopes approximately 2% to the west, toward Ocean.

## STAFF COMMENTS:

Referrals were sent to the Building Official, City Engineer and the County Health Department. The Engineer recommended that runoff from the additional impervious surfaces not be allowed to pool around the leachfield; this has been made a condition of approval. The Building Inspector noted that a building permit would be required. The Health Department's comments are discussed in the staff report below. A standard condition of approval has also been included that any conditions of the City Engineer and Building Official must be met prior to building permit issuance and that any specific grading, drainage and street improvement requirements will be addressed in the building permit.

## ZONING ORDINANCE/GENERAL PLAN CONSISTENCY

The property where the project is located is zoned UR – Urban Residential. The purpose of this zone is to allow relatively dense residential development; single-family residences are a principally permitted use. The minimum lot size allowed in the UR zone is 8,000 s.f. and the maximum density is one dwelling per 8,000 s.f.

This project is proposed for an approximately 8,360 s.f. lot, which meets minimum lot size and density requirements. The floor area of the new residence, as defined by the Zoning Ordinance Sec. 17.08.310, will be 1,754 s.f. and will remain 2-bedrooms. No other improvements are proposed. The following table summarizes the project square footages.

**TABLE 1 - AREAS**

	EXISTING	PROPOSED
LOT AREA	8,360 sf	<b>8,360 sf</b>
FLOOR AREA		
Residence (incl. enclosed porch)	1,218 sf	<b>1,754 sf</b>
2-car Garage	856 sf	864 sf
FLOOR TO LOT AREA RATIO		
<b>Residence</b>	14.6%	<b>21.0%</b>
Total Footprint	24.8%	31.3%

The Urban Residential zone (§17.36.050) requires minimum yards of front 20', rear 15', and side 5' (§ 17.36.060). The parcel faces Ocean Avenue to the west. The plot plan indicates that the required setbacks will be met by the addition. Section 17.56.110 allows eaves and overhangs to extend 2.5' into side yards and 4' into front, street-side and rear yards. Decks and stairways, landings, balconies and uncovered porches are allowed to extend up to eight feet into front, rear or street-side yards and three feet into side yards. For all these features, setbacks will be met on the proposed addition, as shown on the plot plans. The existing enclosed porch is nonconforming as to front yard setbacks, but will not be affected by this project.

The maximum height allowed in the UR zone, by Zoning Ordinance § 17.36.06 (average ground level elevation covered by the structure to the highest point of the roof), is 25 feet, except that the Commission may require a lesser height in order to protect views. The maximum height, as shown on the plans, of the proposed structure is 18'-0", meeting height requirements. The Trinidad General Plan and Zoning Ordinance protect importance public coastal views from roads, trails and vista points and private views from inside residences located uphill from a proposed project from significant obstruction. Because of the project's location and single-story size, there is minimal potential for any view impacts.

The Zoning Ordinance (§ 17.56.180) requires 2 off-street parking spaces other than any garage spaces. There are two existing spaces indicated on the plans. Because the project is generally flat only minimal grading will be required. This site is already connected to services and utilities. Proposed exterior materials and colors are not noted on the plans, but appear to be similar to that which is existing.

#### **SLOPE STABILITY:**

The property where the proposed project is located is outside of any areas designated as unstable or questionable stability based on Plate 3 of the Trinidad General Plan, and the site is very flat with very little slope.

#### **SEWAGE DISPOSAL:**

The existing septic tank and leachfield are shown on the plans. The City and Health Department, in response to the referral, noted that the sewage disposal system serving the residence was installed in 2005 as a repair to serve a 2-bedroom residence. No additional conditions of approval, other than the standard requirements (2-bdrm deed restriction, protection of leachfield) have been proposed.

#### **LANDSCAPING AND FENCING:**

No tree removal is proposed; no new fencing or landscaping is proposed at this time.

## DESIGN REVIEW / VIEW PROTECTION FINDINGS:

Because the project is located within the Coastal Zone and includes an addition to a structure that alters the exterior profile and appearance, §17.60.030 of the Zoning Ordinance requires Design Review and View Protection Findings to be made as well as approval of a Coastal Development Permit. The applicant submitted application materials on January 31, 2006. Application materials show the project location and include a plot plan that shows proposed and existing improvements, and elevations. Required Design Review / View Preservation Findings are written in a manner to allow approval, without endorsing the project. However, if public hearing information is submitted or public comment received indicating that views, for instance, may be significantly impacted, or the structure proposed is obtrusive, the findings should be reworded accordingly.

### Design Review Criteria

- A. *The alteration of natural landforms caused by cutting, filling, and grading shall be minimal. Structures should be designed to fit the site rather than altering the landform to accommodate the structure.* Response: Due to the generally flat nature of the site, only minimal grading will be required for this project.
- B. *Structures in, or adjacent to, open space areas should be constructed of materials that reproduce natural colors and textures as closely as possible.* Response: Response: The project is not adjacent to any open space areas.
- C. *Materials and colors used in construction shall be selected for the compatibility both with the structural system of the building and with the appearance of the building's natural and man-made surroundings. Preset architectural styles (e.g. standard fast food restaurant designs) shall be avoided.* Response: The proposed addition is consistent with existing and surrounding development. Proposed exterior materials and colors are not specifically noted on the plans, but appear to have been designed to be consistent with the existing residence.
- D. *Plant materials should be used to integrate the manmade and natural environments to screen or soften the visual impact of new development, and to provide diversity in developed areas. Attractive vegetation common to the area shall be used.* Response: No changes to existing landscaping are currently proposed. However, it can be found to be unnecessary because the project is consistent with existing and surrounding residential development.
- E. *On-premise signs should be designed as an integral part of the structure and should complement or enhance the appearance of new development.* Response: No on-premise signs are associated with this project.
- F. *New development should include underground utility service connections. When above ground facilities are the only alternative, they should follow the least visible route, be*

*well designed, simple and unobtrusive in appearance, have a minimum of bulk and make use of compatible colors and materials.* Response: The project will not alter existing service and utility connections

- G. *Off-premise signs needed to direct visitors to commercial establishments, as allowed herein, should be well designed and be clustered at appropriate locations. Sign clusters should be a single design theme.* Response: No off-premise signs are associated with this project.
- H. *When reviewing the design of commercial or residential buildings, the committee shall ensure that the scale, bulk, orientation, architectural character of the structure and related improvements are compatible with the rural, uncrowded, rustic, unsophisticated, small, casual open character of the community. In particular:*
- 1. Residences of more than two thousand square feet in floor area and multiple family dwellings or commercial buildings of more than four thousand square feet in floor area shall be considered out of scale with the community unless they are designed and situated in such a way that their bulk is not obtrusive.*
  - 2. Residential and commercial developments involving multiple dwelling or business units should utilize clusters of smaller structures with sufficient open space between them instead of a consolidated structure.*

Response: The proposed addition will result in a residence of that is 1,764 s.f., which is below the 2,000 s.f. guideline. Another guideline used by the Planning Commission is a maximum floor area of 25% of the lot area. The proposed residence floor-to-area ratio will be approximately 21.0%.

## **View Protection**

- A. *Structures visible from the beach or a public trail in an open space area should be made as visually unobtrusive as possible.* Response: The project not readily visible from a beach, trail or open space area.
- B. *Structures, including fences over three feet high and signs, and landscaping of new development, shall not be allowed to significantly block views of the harbor, Little Trinidad Head, Trinidad Head or the ocean from public roads, trails, and vista points, except as provided in subdivision 3 of this subsection.* Response: The proposed project will not significantly affect public views.
- C. *The committee shall recognize that owners of vacant lots in the SR and UR zones, which are otherwise suitable for construction of a residence, are entitled to construct a residence of at least fifteen feet in height and one thousand five hundred square feet in floor area, residences of greater height as permitted in the applicable zone, or greater floor area shall not be allowed if such residence would significantly block views identified in subdivision 2 of this subsection. Regardless of the height or floor area of the residence, the committee, in order to avoid significant obstruction of the important views, may require, where feasible, that the residence be limited to one story; be located anywhere on the lot even if this involves the reduction or elimination of required yards or the pumping of septic tank wastewater to an uphill leach field, or the use of some other type of wastewater treatment facility; and adjust the length-width-height relationship and orientation of the structure so that it prevents the least possible view*

*obstruction.* Response: The proposed project, because of its location and single-story size, has minimal potential to affect private views.

- D. *If a residence is removed or destroyed by fire or other means on a lot that is otherwise usable, the owner shall be entitled to construct a residence in the same location with an exterior profile not exceeding that of the previous residence even if such a structure would again significantly obstruct public views of important scenes, provided any other nonconforming conditions are corrected.* Response: There was no residence that was destroyed by fire associated with this project.
- E. *The Tsurai Village site, the Trinidad Cemetery, the Holy Trinity Church and the Memorial Lighthouse are important historic resources. Any landform alterations or structural construction within one hundred feet of the Tsurai Study Area, as defined in the Trinidad general plan, or within one hundred feet of the lots on which identified historical resources are located shall be reviewed to ensure that public views are not obstructed and that development does not crowd them and thereby reduce their distinctiveness or subject them to abuse or hazards.* Response: The proposed project is not within 100 feet of the Tsurai Study Area, Trinidad Cemetery, Holy Trinity Church or the Memorial Lighthouse.

## **STAFF RECOMMENDATION:**

Based on the above analysis, the project is consistent with the City's Zoning Ordinance and General Plan and other policies and regulations, and the necessary findings for granting approval of the project can be made. Should the Planning Commission find that the Design Review/View Protection Findings can be made, then staff recommends that the Planning Commission approve the project with a motion similar to the following:

Based on application materials, information and findings included in this Staff Report, and based on public testimony, I move to adopt the information and required findings and approve the project as submitted and as conditioned below.

## **Alternative Motion for Denial**

If the Commission does not agree with staff's analysis, or if the public presents evidence that conflicts with the findings contained in this staff report, the Commission may choose to deny the project. If the Commission does decide to deny the project, the denial should be based on specific findings that can not be made. The Commissioners should specifically state the reasons for denial and which finding(s) can not be made. A motion could be similar to the following:

Based on public testimony and information included in the application, I find that Design Review/View Protection Finding(s) "---" can not be made because ---, and I move to deny the project.

## CONDITIONS OF APPROVAL

1. The applicant is responsible for reimbursing the City for all costs associated with processing the application. *Responsibility: City Clerk to place receipt in conditions compliance folder prior to building permits being issued.*
2. Based on the findings that community values may change in a year's time, design review approval is for a one-year period starting at the effective date and expiring thereafter unless an extension is requested from the Planning Commission prior to that time. *Responsibility: City Clerk to verify prior to building permits being issued.*
3. Construction related activities are to occur in a manner that will not impact the integrity of the septic system. The leachfield area shall be staked and flagged to keep equipment off the area. Alternatively, a written description of techniques/timing to be utilized to protect the system will be required from the contractor. If the existing system area is impacted by construction activities, an immediate Stop-Work Order will be placed on the project. The contractor will be required to file a mitigation report for approval by the City and County Health Department prior to permitting additional work to occur. *Responsibility: Building Official to verify prior to building permits being issued and during construction.*
4. Recommended conditions of the City Building Official and City Engineer shall be required to be met as part of the building permit application submittal. Grading, drainage and street improvements will need to be specifically addressed at the time of building permit application. *Responsibility: Building Official prior to building permits being issued.*
5. Construction related activities are to occur in a manner that incorporates storm water runoff and erosion control measures in order to account for water quality considerations near the bluffs. Specific water quality goals include, but are not limited to:
  - a. Limiting sediment loss resulting from construction
  - b. Limiting the extent and duration of land disturbing activities
  - c. Replacing vegetation as soon as possible
  - d. Maintaining natural drainage conditions*Responsibility: Building Official to confirm at time building permits are issued.*
6. The applicant is responsible for submitting proof that a statement on the deed, in a form approved by the City Attorney, has been recorded indicating that any increase in the number of bedrooms above a total of two bedrooms will require City approval of adequate sewage disposal capabilities. *Responsibility: Building Official to verify prior to building permits being issued.*

7. Applicant shall place roof drainage downspouts away from septic system tank and leachfield areas. *Responsibility: Building Official to confirm at time building permits are issued.*